

Cole (OK)  
Conaway  
Cooper  
Costa  
Costello  
Cox  
Cramer  
Crenshaw  
Crowley  
Cubin  
Cuellar  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English (PA)  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Ford  
Fortenberry  
Fossella  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseth  
Higgins  
Hinchey  
Hobson

Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Ingalls (SC)  
Inlee  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kucinich  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Markley  
Marshall  
Matheson  
Matsui  
McCarthy  
McCaul (TX)  
McCullum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McKinney  
McMorris  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Menendez  
Mica  
Michaud  
Millender  
McDonald  
Miller (MI)  
Miller (NC)

Miller, Gary  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Muggrave  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Oliver  
Osborne  
Otter  
Owens  
Oxley  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)

Snyder  
Sodrel  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)

Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Wasserman  
Schultz  
Waters

Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—13

Abercrombie  
Brown, Corrine  
Clay  
Conyers  
Gonzalez  
Hinojosa  
Jones (OH)  
Miller (FL)  
Myrick  
Obey  
Ortiz  
Pombo  
Shadegg

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 363, 364, 365, 366, 367, and 368, had I been present, I would have voted "yes" on 363, 364, and 368, and "no" on 365, 366 and 367.

## PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated:

Rollcall vote No. 363—"yes"; rollcall vote No. 364—"yes"; rollcall vote No. 365—"no"; rollcall vote No. 366—"no"; rollcall vote No. 367—"no", and rollcall vote No. 368—"yes."

## OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 739 is as follows:

H.R. 739

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Small Business Day in Court Act of 2005".

## SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)"; and

(2) in the second sentence of subsection (b), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)".

## SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

## GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 739, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will debate four important bills that make modest reforms to the Occupational Safety and Health Act. These measures ensure that small business owners who make good faith efforts to comply with health and safety laws are dealt with fairly and equitably by the Occupational Safety and Health Administration.

Nearly every employer recognizes that improving workplace safety is good for business, and it is good for workers. Employers are subject to fierce competition both at home and abroad and must compete in the face of high taxes, skyrocketing health costs, escalating litigation, and burdensome government regulations. These OSHA reform bills are designed to improve worker safety and enhance the competitiveness of small businesses that are the real engine of job growth in our country.

The U.S. economy continues to grow, and more and more employers are continuing to hire workers each month. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of sustained job creation. But we need to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire